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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 JUSTIN JAMES EDMISTEN,
13 Petitioner,
14 v.
15 DWIGHT NEVEN, ET AL.,
16 Respondents.

Case No. 2:15-cv-00952-RFB-NJK

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
FIRST AMENDED PETITION
(SECOND REQUEST)**

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18 Petitioner Justin James Edmisten moves this Court for an Order extending
19 the time by forty-five (45) days, from July 13, 2018 to and including August 27, 2018
20 in which to file his counseled amended petition. This motion is based on the attached
21 points and authorities and the record in this case.
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1 **POINTS AND AUTHORITIES**

2 1. Petitioner mailed his *pro se* petition for a writ of habeas corpus on May
3 15, 2015. ECF No. 4.

4 2. On March 21, 2017, this Court reconsidered its previous order denying
5 counsel and appointed the Federal Public Defender, District of Nevada. ECF No. 17.

6 3. On July 25, 2017, counsel filed a Motion to Partially Vacate the March
7 21, 2017, Order. ECF No. 26. Respondents opposed and Edmisten replied. ECF Nos.
8 28, 31. On March 29, 2018, this Court entered an Order granting Petitioner's Motion
9 to Vacate the March 21, 2017 order and ordered counsel to file an Amended Petition
10 within sixty (60) days. ECF No. 33. This second request for an extension of time
11 follows.

12 4. Counsel requires additional time to complete the amended petition in
13 this matter. Counsel has extensive administrative duties, including reviewing and
14 assigning all new cases (including staff assignments). She is responsible for
15 organizing CLEs for the state and federal panel habeas/appeals attorneys. Counsel is
16 first or second chair on dozens of cases and has been training new attorneys by
17 reviewing their cases and pleadings with them. In the last month, counsel was out of
18 the office visiting clients June 21-2, and she was out of the office on other leave June
19 15, and 27-29. Counsel also prepared a protective petition in *Randolph v. Gentry*,
20 2:18-cv-00449-RFB-VCF.

21 5. Counsel emailed counsel for Respondents, Jessica Perlick, who advised
22 she is not opposed to this request. Petitioner understands that opposing counsel's
23 non-opposition does not waive any claims, defenses, statute of limitations, or other
24 substantive arguments the Respondents may choose to raise at a later date.
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1 6. This motion is made in good faith and not for the purpose of delay.
2 Petitioner therefore respectfully requests that this Court grant his motion to file an
3 amended petition on or before August 27, 2018.
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5 Dated this 9th day of July, 2018.

6 Respectfully submitted,

7 RENE L. VALLADARES
8 Federal Public Defender

9 /s/ Megan C. Hoffman
10 MEGAN C. HOFFMAN
11 Assistant Federal Public Defender
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14 IT IS SO ORDERED:

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16 _____
17 RICHARD F. BOULWARE, United
18 States District Judge
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20 Dated: July 12, 2018.
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

Justin Edmisten
Inmate ID 02682479
Clark County Detention Center
330 South Casino Center Boulevard
Las Vegas, NV 89101

/s/ Jessica Pillsbury